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KLARQUIST SPARKMAN, LLP

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PLEASE DELIVER DIRECTLY TO EXAMINER JANA A. HINES

Fax No.: (703) 308-4242

Total No. Pages: 54 including this cover sheet

Message: Transmitted herewith for filing in the above-identified application are copies of the following documents, which were previously mailed to the U.S. Patent and Trademark Office (PTO) on August 28, 2003: Transmittal Letter, Amendment and Response to Office Action, Combined Declaration and Power of Attorney signed by Michael H. Hickey, Combined Declaration and Power of Attorney signed by Joseph E. Martinez, George M. Carlone, and Sandra Steiner, Declaration Under 37 C.F.R. 1.132 (with Exhibit A), Concepcion et al., Clinical and Diagnostic Laboratory Immunology 8:266-272 (2001), Mountzouros et al., Journal of Clinical Microbiology 38:2878-2884 (2000), Martinez et al., Clinical and Diagnostic Laboratory Immunology 9:485-488 (2002), and a return postcard date-stamped by the PTO on September 3, 2003, acknowledging receipt of the above-listed documents. A check in the amount of \$584.00 for additional claims and a two-month extension fee was also enclosed with the above documents. If you do not receive all pages or if you have problems receiving transmittal, please call Sheree Lynn Rybak, Ph.D. at (503) 226-7391.

In re application of: Martinez et al.

Application No. 10/009,660

Filed: December 7, 2001

Confirmation No. 1922

For: METHODS AND COMPOSITIONS FOR
OPSONOPHAGOCYTIC ASSAYS

Examiner: Hines, Jana A.

Art Unit: 1645

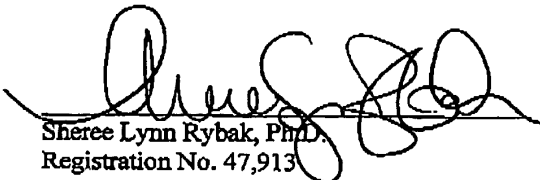
Attorney Reference No. 6395-61708

CERTIFICATE OF FACSIMILE

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being facsimile transmitted to fax number (703) 308-4242 on the date shown below.

Attorney
for Applicant(s)

Date Transmitted November 18, 2003


Sheree Lynn Rybak, Ph.D.
Registration No. 47,913

November 18, 2003

Date

cc: Docketing

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS CONFIDENTIAL AND ONLY FOR THE INTENDED RECIPIENT IDENTIFIED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR USE OF THIS COMMUNICATION IS UNLAWFUL. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE (COLLECT), RETURN THE ORIGINAL MESSAGE TO US, AND RETAIN NO COPY.

CLIENT/MATTER NO. 6395-61708/WDN/SLR ATTY/SEC SLR/dm
 INVENTOR(S): Martinez et al.
 APP. NO. 10/009,660 FILING DATE 12/7/2001
 The following, due 9/1/2003, mailed 8/28/2003
 by First Class Mail, was received in the U.S. PTO on the date stamped hereon:

<input checked="" type="checkbox"/> Amendment	<input checked="" type="checkbox"/> Marked Up Claims/Spec.	After Final Rejection
<input checked="" type="checkbox"/> Extension of Time/Extension Fee for <u>2</u> Months		
Notice to File Missing Parts - Date		Ltr to Draftsperson
Notice to File Corrected App. Papers - Date		Notice Allowability
<input checked="" type="checkbox"/> Comb. Dec./POA (2)	Late Fee	Sht(s) Drawings
Issue Fee Transmittal (Form PTOL-85b)		Sequence Listing <u> </u> pages
Supp. Dec.	Issue/Adv. Order fees	Stnt In Comp. <u> </u> Disk
IDS	Form PTO-1449/Ref.	Petition
Assignment to:		Recordal Sheet
<input checked="" type="checkbox"/> Transmittal Ltr. + <input checked="" type="checkbox"/> 1 <u>2</u> copy(ies)		Request for Corrected Filing Receipt
<input checked="" type="checkbox"/> Check No. <u>103353</u> for \$ <u>584.00</u>		<input checked="" type="checkbox"/> Deposit Acct. 02-4550 Authority
<input checked="" type="checkbox"/> Declaration under 37 CFR §1.132 of George H. Carlin		
<input checked="" type="checkbox"/> Three references.		

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PATENT
Attorney Reference Number 6395-61708

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martinez et al.

Application No. 10/009,660

Filed: December 7, 2001

Confirmation No. 1922

For: METHODS AND COMPOSITIONS FOR
OPSONOPHAGOCYTIC ASSAYS

Examiner: Hines, Jana A.

Art Unit: 1645

Attorney Reference No. 6395-61708

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Agent
for Applicant(s)

Date Mailed August 28, 2003

TRANSMITTAL LETTER

Enclosed is an Amendment and Response to Office Action for the above application. The fee has been calculated as shown below.

CLAIMS AS AMENDED					
For	No. after amendment	No. paid for previously	Present Extra	Rate	Fee
Total Claims	29	- 24*	= 5	\$18.00	\$90.00
Indep. Claims	5	4**	= 1	\$84.00	\$84.00
Mult. Dep. Claims Fee (if not previously paid)				\$280.00	\$0.00
Two-month Extension of Time				\$410.00	\$410.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$584.00

* greater of twenty or number for which fee has been paid.

** greater of three or number for which fee has been paid.

- ☒ Enclosed are two Combined Declaration and Power of Attorney for Patent Application forms as follows:
- ☒ Combined Declaration and Power of Attorney for Patent Application signed by Michael H. Hickey, and
 - ☒ Combined Declaration and Power of Attorney for Patent Application signed by Joseph E. Martinez, George M. Carlone, and Sandra Steiner.
- ☒ Enclosed is a Declaration Under 37 C.F.R. § 1.132 signed by Dr. George M. Carlone, with Exhibit A attached.


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PATENT
Attorney Reference Number 6395-61708

- ☒ Enclosed are three references as follows:
- ☒ Concepcion et al., *Clinical and Diagnostic Laboratory Immunology* 8:266-272 (2001).
 - ☒ Mountzouros et al., *Journal of Clinical Microbiology* 38:2878-2884 (2000).
 - ☒ Martinez et al., *Clinical and Diagnostic Laboratory Immunology* 9:485-488 (2002).
- ☒ Applicants petition for an extension of time for the number of months indicated above. If an additional extension of time is required please consider this a petition therefor.
- ☒ A check in the amount of \$584.00 is attached.
- ☒ Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- ☒ Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Sheree Lynn Rybak, Ph.D.
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cc: Docketing